

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
APRIL 6, 2010
(9:00 A.M.)**

Proceedings of a regular meeting of the Board of County Commissioners of St. Johns County, Florida, held in the auditorium at the County Administration Building, 500 San Sebastian View, St. Augustine, Florida.

Present were: Ron Sanchez, District 2, Chair
 Ken Bryan, District 5, Vice Chair
 Cyndi Stevenson, District 1
 Ray Quinn, District 3
 Phillip Mays, District 4
 Michael D. Wanchick, County Administrator
 Patrick McCormack, County Attorney
 Terry Bulla, Deputy Clerk

(04/06/10 - 1 - 9:01 a.m.)
CALL TO ORDER

Sanchez called the meeting to order.

(04/06/10 - 1 - 9:01 a.m.)
ROLL CALL

Sanchez announced that four commissioners were present, with Stevenson expected soon. She arrived at 9:03 a.m.

(04/06/10 - 1 - 9:01 a.m.)
Mays gave the Invocation and Sanchez led the Pledge of Allegiance.

(04/06/10 - 1 - 9:02 a.m.)
PROCLAMATION DESIGNATING APRIL 24, 2010 AS DAY OF SERVICE HELPING HANDS AND LINKING ARMS TO "FILL THE BLOOD AND FOOD BANKS"

Bryan introduced Ruth Karen, the Multi-state Director of Public Affairs, Church of Jesus Christ Latter Day Saints, and her supporters, and asked them to come forward. Karen Pan, Public Affairs Specialist, read the proclamation. Bryan presented the proclamation. Ms. Karen thanked the Board for the recognition and announced the sites for donations of blood and food. She introduced John Helgren, Blood Alliance, Sharon Jacobs, Public Affairs with the Church of Jesus Christ Latter Day Saints, and Ann Marie West, Northeast Florida Red Cross. Ms. West asked them to donate time money, blood, and food. Helgren thanked the Commissioners and explained the Blood Alliance's role in the community.

PROCLAMATION DESIGNATING APRIL 2010 AS SEXUAL ASSAULT AWARENESS MONTH

(9:09 a.m.) Stevenson introduced Joyce Mayer, Director Betty Griffin House. Karen Pan, read the proclamation. Stevenson presented the proclamation and thanked them for their work to help victims of sexual assault. Mayer thanked the Commission for recognizing April as Sexual Assault Awareness Month. She told of an upcoming event, "Walk in My Shoes" to be held on April 17, from St. Johns County Courthouse to

Flagler College. Valerie DeVille, with Betty Griffin House, made comments and asked the community to be vigilant regarding sexual assault, especially during the warmer months.

PROCLAMATION DESIGNATING APRIL 2010 AS CHILD ABUSE PREVENTION MONTH

(9:15 a.m.) Quinn introduced Ven Thomas, Executive Director of St. Johns County Health and Human Services; Lisa Duncan, Program Manager Children's Home Society; Brenda Ware, Prevention Specialist St. Johns County Community Resource Center; and Joan Jenkins, Prevention Specialist St. Johns County and asked them to come forward to receive the proclamation. Karen Pan read the proclamation. Quinn presented the proclamation and commented on citizen involvement in helping to prevent child abuse. Jenkins received the award on behalf of all the agencies involved. She told of a future event on April 17, from 10:00 to 2:00, in Hastings; a Child Abuse Prevention Walk to raise awareness of child abuse prevention.

PROCLAMATION DESIGNATING APRIL 2010 AS WATER CONSERVATION MONTH

(9:20 a.m.) Stevenson introduced Barry Stewart, David McClendon, and Allen Klipstine, all from the St. Johns County Utility Department; Jan Brewer, Environmental Division Director; and Diedra Erwin from the St. Johns River Water Management District. Karen Pan read the proclamation. Stevenson presented the proclamation to the group. Stewart received the proclamation on behalf of all the agencies present. He thanked the Board for the proclamation and for helping to raise awareness for water conservation. He announced a Conservation Expo that the Utilities Department was hosting at their office on April 21 at 9:00 a.m. He noted they were partnering with SJRWMD and other agencies to promote water conservation and invited everyone to attend.

PROCLAMATION DESIGNATING APRIL 11-17, 2010 AS NATIONAL LIBRARY WEEK

(9:24 a.m.) Sanchez introduced Harold George, Anastasia Library Branch Manager; Marilyn Wiles, Library Advisory Board member; and Vic DeGente, Ponte Vedra Friends of the Library member. Karen Pan read the proclamation. Sanchez presented the proclamation to Harold George and thanked them for doing a great job. George accepted the proclamation on behalf of the St. Johns County Library. He said the library was great because the community was great. He thanked the Board and the community for their support.

PROCLAMATION DESIGNATING APRIL 11-17, 2010 AS NATIONAL PUBLIC SAFETY TELECOMMUNICATORS WEEK

(9:28 a.m.) Mays introduced Carl Shank, Jeff Prevatt, Gia Reynolds, and Bonnie Creeden. Karen Pan read the proclamation. Mays presented the proclamation. Col. Art May thanked the Commission for the recognition of the dispatchers and telecommunications workers.

He said they did a lot of the important intelligence work behind the scenes and he appreciated everything they did.

(04/06/10 - 2 - 9:33 a.m.)

ACCEPTANCE OF PROCLAMATIONS

Motion by Bryan, seconded by Mays, carried 5/0, to approve the Proclamations.

(04/06/10 - 3 - 9:34 a.m.)
DELETIONS TO CONSENT AGENDA

Stevenson asked that Item No. 11 be pulled for discussion, and it became 7A on the Regular Agenda.

(04/06/10 - 3 - 9:35 a.m.)
APPROVAL OF CONSENT AGENDA

Motion by Mays, seconded by Bryan, carried 5/0, to approve the Consent Agenda as amended.

1. Approval of the Cash Requirement Report
2. Sheriff Bonds
None
3. Minutes:
February 8 - Special Meeting, Amended
March 4 - Joint Meeting with St. Johns County School Board
4. Motion to adopt **Resolution No. 2010-76**, authorizing the County Administrator, or designee, to execute an Easement to Florida Power & Light Company to install electrical service to the St. Johns County Transit Center located on Old Moultrie Road (south of Lewis Point Road)

RESOLUTION NO. 2010-76

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE AN EASEMENT TO FLORIDA POWER & LIGHT COMPANY TO INSTALL ELECTRICAL SERVICE TO THE ST. JOHNS COUNTY TRANSIT CENTER LOCATED ON OLD MOULTRIE ROAD

5. Motion to adopt **Resolution No. 2010-77**, authorizing a Partial Release of a Utility Easement for an area designated as conservation within the common areas of Grand Ravine Condominium and authorizing the County Administrator, or designee, to execute the Partial Release of Easement

RESOLUTION NO. 2010-77

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING A PARTIAL RELEASE OF A UTILITY EASEMENT FOR AN AREA DESIGNATED AS CONSERVATION WITHIN THE COMMON AREAS OF GRAND RAVINE CONDOMINIUM AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE THE PARTIAL RELEASE OF EASEMENT

6. Motion to adopt **Resolution No. 2010-78**, accepting an Easement for Utilities for water and sewer service to Cottages at Winding Creek Condominium located off

US #1 South and accepting a Bill of Sale conveying all personal property associated with the water and sewer system

RESOLUTION NO. 2010-78

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER AND SEWER SERVICE TO COTTAGES AT WINDING CREEK CONDOMINIUM LOCATED OFF US #1 SOUTH AND ACCEPTING A BILL OF SALE CONVEYING ALL PERSONAL PROPERTY ASSOCIATED WITH THE WATER AND SEWER SYSTEM

7. Motion to adopt **Resolution No. 2010-79**, accepting three Bills of Sale and Schedule of Values conveying all personal property associated with the water and sewer system serving Saint Johns Six Mile Creek West Unit 3A, Unit 3B and Unit 4

RESOLUTION NO. 2010-79

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING THREE BILLS OF SALE AND SCHEDULES OF VALUES CONVEYING ALL PERSONAL PROPERTY ASSOCIATED WITH THE WATER AND SEWER SYSTEM SERVING SAINT JOHNS SIX MILE CREEK WEST UNIT 3A, UNIT 3B AND UNIT 4

8. Motion to adopt **Resolution No. 2010-80**, accepting a Bill of Sale and Schedule of Values conveying all personal property associated with the water and sewer system located in South Tuscany Village

RESOLUTION NO. 2010-80

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A BILL OF SALE AND SCHEDULE OF VALUES CONVEYING ALL PERSONAL PROPERTY ASSOCIATED WITH THE WATER AND SEWER SYSTEM LOCATED IN SOUTH TUSCANY VILLAGE SUBDIVISION

9. Motion to adopt **Resolution No. 2010-81**, authorizing the County Administrator, or designee, to execute an Easement to the City of Jacksonville Beach to install electrical service to the Ponte Vedra Concert Hall located on A1A North

RESOLUTION NO. 2010-81

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE AN EASEMENT TO THE CITY OF JACKSONVILLE BEACH TO INSTALL ELECTRICAL

**SERVICE TO THE PONTE VEDRA CONCERT HALL
LOCATED ON A1A NORTH**

10. Motion to **adopt Resolution No. 2010-82**, authorizing a donation of four lots to the Housing Finance Authority of St. Johns County for affordable housing purposes and authorizing the Board Chair to execute a County Deed at a later date without further Board action

RESOLUTION NO. 2010-82

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING A DONATION OF FOUR LOTS TO THE HOUSING FINANCE AUTHORITY OF ST. JOHNS COUNTY FOR AFFORDABLE HOUSING PURPOSES AND AUTHORIZING THE BOARD CHAIR TO EXECUTE A COUNTY DEED AT A LATER DATE WITHOUT FURTHER BOARD ACTION

This item was pulled for discussion and became Regular Agenda Item 7A. See page 16.

11. Motion to adopt a resolution, approving the terms of a Consent and Agreement to Future Advance and Modification of Mortgage of Leasehold Interest for the Saint Augustine Lighthouse and Museum and authorizing the County Administrator, or designee, to execute the Consent and Agreement on behalf of the County
12. Motion to adopt **Resolution No. 2010-83**, approving the terms, provisions, conditions, and requirements of an Interlocal Agreement allowing for the installation, construction and maintenance of certain landscaping improvements along a portion of CR 244 by Aberdeen CDD, and authorizing the County Administrator, or designee, to execute the Interlocal Agreement on behalf of the County

RESOLUTION NO. 2010-83

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS OF AN INTERLOCAL AGREEMENT BETWEEN ST. JOHNS COUNTY AND THE ABERDEEN COMMUNITY DEVELOPMENT DISTRICT AND AUTHORIZING THE COUNTY ADMINISTRATOR OR DESIGNEE, TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

13. Motion to authorize the County Administrator or his designee, to award Base Bid #10-41 former EOC Remodel Project (Sheriff's Department Renovation) in the amount of \$259,000, Alternate #2 for \$9,000, and Alternate #3 for \$1,200, to Billco Construction, Inc. for a total lump sum amount of \$269,200 and negotiate a contract for same
14. Motion to adopt **Resolution No. 2010-84**, supporting the top tier ranking for the Northeast Florida Blueway Phase II project by the Florida Forever Acquisition and Restoration Council; and Motion to adopt **Resolution No. 2010-85**, supporting the top tier ranking for the St. Johns River Blueway project by the Florida Forever Acquisition and Restoration Council

RESOLUTION NO. 2010-84

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY TO THE FLORIDA FOREVER ACQUISITION AND RESTORATION COUNCIL EXPRESSING SUPPORT FOR RANKING OF THE NORTHEAST FLORIDA BLUEWAY IN THE TOP TIER FOR ACQUISITION

RESOLUTION NO. 2010-85

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY TO THE FLORIDA FOREVER ACQUISITION AND RESTORATION COUNCIL EXPRESSING SUPPORT FOR RANKING OF THE ST JOHNS RIVER BLUEWAY IN THE TOP TIER FOR ACQUISITION

15. Motion to approve the transfer of \$5,000 from LAMP Special Contingency (0083-59902) to Environmental Division Consulting (0104-53150) for efforts supporting the top tier ranking of the Northeast Florida and St. Johns River Blueways by the Florida Forever Acquisition and Restoration Council
16. Motion to approve a transfer in the amount of \$18,000 from General Fund Reserves (0083-59920) to Economic Development Contractual Services (0058-53120) to fund a contract with the Center for Economic and GIS Research (CEGR) of UNF to determine how to best target economic development in St. Johns County
17. Motion to adopt **Resolution No. 2010-86**, accepting the terms of the third amendment to Contract #NH210 between the State of Florida Department of Children & Families, and the St. Johns County Board of County Commissioners, and authorizing the Chair of the Board of County Commissioners to execute the Amendment on behalf of the County

RESOLUTION NO. 2010-86

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE THIRD AMENDMENT TO THE CONTRACT #NH210 BETWEEN ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS AND THE STATE OF FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES, AND AUTHORIZING THE CHAIR TO EXECUTE THE THIRD AMENDMENT ON BEHALF OF THE COUNTY

18. Motion to authorize the County Administrator, or his designee, to award Bid #10-51 and purchase one 2011 17 Ton, 70' Height Crane Truck for the St. Johns County Utility Department from Altec Industries, Inc. in the amount of \$148,955.00
19. Motion to authorize the County Administrator, or his designee to award Bid #10-39 - Annual Janitorial Services for various County Buildings and enter into a contract with Ancient City Cleaning for the SJC Fire Rescue Administration Building (\$5,304/yr) and the Purchasing Department (\$3,120/yr), Miracle

Janitorial Service, LLC, for the SJC Medical Examiner's Office (\$3,600/yr), and Best One Janitorial for Annual Janitorial Services for the SJC Facilities Maintenance Department (\$2,880/yr.)

20. Proofs:
- a. Proof: Notice to Bidders, Bid #10-35, published December 31, 2009, in the Ponte Vedra Recorder
 - b. Proof: St. Johns County Full Cost Accounting for Solid Waste Management Services, published February 11, 2010, in the St. Augustine Record
 - c. Proof: Notice of Joint Special Meeting of the St. Johns County Board of Commissioners and the St. Johns County School Board on March 4, 2010, published February 25, 2010, in the St. Augustine Record
 - d. Proof: Notice of Cornerstone Regional Economic Development Partnership Forum on March 5, 2010, published March 1, 2010, in the St. Augustine Record
 - e. Proof: Notice of meeting location change of the Intergovernmental Committee on March 3, 2010, published February 25, 2010, in the St. Augustine Record
 - f. Proof: Notice to Bidders, Bid #10-19, published February 26, 2010, in the Ponte Vedra Recorder
 - g. Proof: Notice to Bidders, Bid #10-19, published February 24, 2010, and March 3, 2010, in the St. Augustine Record
 - h. Proof: Notice of a Cornerstone Regional Economic Development Partnership Forum on March 5, 2010, published March 1, 2010, in the St. Augustine Record
 - i. Proof: Notice to Bidders, Bid #10-57, published March 5, 2010, in the Ponte Vedra Recorder
 - j. Proof: Notice to Bidders, Bid #10-57, published March 5, 2010, and March 12, 2010, in the St. Augustine Record
 - k. Proof: Request for Proposals, RFQ #10-60 for Juvenile Drug Court Services, published March 9, 2010, and March 16, 2010, in the St. Augustine Record
 - l. Proof: Notice to Bidders, Bid #10-47, published March 9, 2010 and March 16, 2010, in the St. Augustine Record
 - m. Proof: Notice to Bidders, Bid #10-47, published March 12, 2010, in the Ponte Vedra Recorder
 - n. Proof: Request for Proposals, RFQ #10-60 for Juvenile Drug Court Services, published March 12, 2010, in the Ponte Vedra Recorder
 - o. Proof: Notice to Bidders, Bid #10-59, published March 13, 2010, and March 20, 2010, in the St. Augustine Record

(04/06/10 - 7- 9:36 a.m.)

PUBLIC COMMENT

Clara Cowan, 244 Patrick Mill Circle, Ponte Vedra, spoke on behalf of the Seaside Homeowners Association, regarding public access to the beach south of Mickler Beach parking. She said they had been informed by a neighboring homeowner's association member that a resolution would be forthcoming from the Board for abandoning a right-of-way for 17 homes, which she said would be a travesty. She said there were few public access points to the beach. She asked, that in the future, that kind of request be forwarded by staff, in writing, to Administration for evaluation. She said it would help to lessen community distress.

(9:38 a.m.) Bill Coleman, 4423 Lands End Drive, Commachee Island, spoke regarding mooring of boats in County waters to avoid the mooring fees recently imposed by the City of St. Augustine. He noted that recently several boats had been moved north of the

Vilano Bridge and their owners could not be determined. He said there were also boats in Salt Run which had not been moved and he believed someone was living aboard at least one of them. He asked the County to determine what action they could take to identify the responsible owners and to prevent the migration into County waters. He cautioned that if those boats sank, the County would be responsible for removing them.

(04/06/10 - 8 - 9:40 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Mays asked to add item 7B, to discuss a couple of items with the Board. McCormack asked that Item No. 5 be moved to the first meeting in May in order to allow more time for fact finding in order to settle the issue more effectively. Locklear requested they make it the first available meeting in May.

(04/06/10 - 8 - 9:43 a.m.)

APPROVAL OF REGULAR AGENDA

Motion by Mays, seconded by Bryan, carried 5/0, to approve the Regular Agenda as amended.

(04/06/10 - 8 - 9:44 a.m.)

1. PUBLIC HEARING - ORDINANCE TO REPEAL 92-32, THE TOURIST DEVELOPMENT PLAN. ON SEPTEMBER 16, 1986, THE BOARD ENACTED ORD. NO. 86-72, WHICH LEVIED, IMPOSED AND SET A TOURIST DEVELOPMENT TAX OF 2%. THE ORDINANCE ALSO ESTABLISHED THE COUNTY'S ORIGINAL TOURIST DEVELOPMENT PLAN ("PLAN"), WHICH FROM TIME TO TIME HAS BEEN AMENDED AND CHANGED. THE PLAN SETS FORTH PERMISSIBLE USES OF THE TAX REVENUES AND ALLOCATES THE PERCENTAGES OF TOTAL TAX REVENUE DOLLARS AMONG THREE GENERAL CATEGORIES AS FOLLOWS: FORTY PERCENT (40%) TO TOURISM PROMOTION, THIRTY PERCENT (30%) TO CULTURAL DEVELOPMENT AND THIRTY PERCENT (30%) TO LEISURE/RECREATIONAL DEVELOPMENT (HEREAFTER COLLECTIVELY REFERRED TO AS "THE 40-30-30 SPENDING CATEGORIES"). ON NOVEMBER 12, 1991, THE BOARD PASSED ORD. NO. 91-44, WHICH LEVIED AND IMPOSED AN ADDITIONAL 1% TOURIST DEVELOPMENT TAX, FOR A TOTAL CUMULATIVE RATE OF 3%. ON OCTOBER 13, 1992, THE BOARD PASSED AND ENACTED ORD. NO. 92-32, WHICH AMENDS AND SUPPLEMENTS ORDINANCE NOS. 86-72 (AS PREVIOUSLY AMENDED) AND 91-44 (AS PREVIOUSLY AMENDED) TO INCLUDE THE FOLLOWING LANGUAGE: THE 40-30-30 SPENDING CATEGORIES THAT WERE ESTABLISHED BY THE ORIGINAL TOURIST DEVELOPMENT PLAN ADOPTED BY ST. JOHNS COUNTY CAN NOT [SIC] BE CHANGED WITHOUT A REFERENDUM ELECTION THAT APPROVES THE CHANGE. THE PRECEDING SENTENCE DOES NOT APPLY TO CHANGES TO THE SUB CATEGORIES AND SPENDING OPTIONS WITHIN EACH OF THE THREE SPENDING CATEGORIES. ON DECEMBER 17, 2009 THE BOARD PASSED ORD. NO. 09-62, WHICH LEVIED AN ADDITIONAL 1% TOURIST DEVELOPMENT TAX, FOR A TOTAL CUMULATIVE RATE OF 4%. (SEE ATTACHMENT 4). ON MARCH 15, 2010, THE TOURIST DEVELOPMENT COUNCIL ("TDC") REVIEWED THE EXISTING PLAN. BASED UPON ITS REVIEW, THE TDC RECOMMENDED AMENDING AND CHANGING THE PLAN TO STRIKE THE LANGUAGE CONTAINED IN ORD. NO. 92-32. SECTION 125.0104(4)(D) OF THE FLORIDA STATUTES PROVIDES FOR AMENDMENT AND CHANGE TO THE PLAN BY AN AFFIRMATIVE VOTE

OF A MAJORITY PLUS ONE ADDITIONAL MEMBER OF THE BOARD. IN SUM, THE PROPOSED ORDINANCE REPEALS ORD. NO. 92-32 AS WELL AS ANY PREVIOUSLY ENACTED, INCONSISTENT PROVISIONS.

Proof of publication of the notice of public hearing regarding the Ordinance to Repeal 92-32, the Tourist Development Plan, was received, having been published in *The St. Augustine Record* on March 25, 2010.

Regina Ross, Assistant County Attorney, suggested they listen to Item No. 1 and Item No. 2 together, and then vote separately on the items. She reviewed the first Ordinance, Item No. 1, and gave a history of the Tourist Development Plan developed in 1986. She reviewed the three general spending categories of the original plan, Tourism Promotion (40%), Cultural Development (30%), and Leisure and Recreational Development (30%). She said in 1992 Ordinance 92-32 was passed, which added a required referendum vote to make any changes to the 40-30-30 allocation of tax revenues. She said the current ordinance, which they were considering that day, would amend the previous ordinance. She explained that currently the bed taxes were allocated 40-30-30 to the first cent, 40-30-30 to the second cent, and 100% to the third cent, with the recently levied fourth cent, as yet unallocated. She stated that under the proposed allocation plan the categories were renamed, (1) Destination Marketing, (2) Arts and Culture, (3) Leisure & Recreation, (4) Administrative Expenses, Special Uses and Special Events. She noted that the third cent had been moved to the fourth category, and the money from the fourth cent had been allocated to Destination Marketing at 100%. She said narrative descriptions of each category had been added and each category had been specifically defined. She described the common expenses among all categories, such as cost to the Tax Collector, Clerk of Courts, indirect administrative costs, insurance costs, administrative fees for salaries, benefits, administrative travel etc. and said they had been lumped into one category in order to track them more effectively. She reviewed the Tourist Development Reserve Funds, which was new to the plan, and noted it was an amount to be determined annually by the TDC, but not to exceed 5% of the gross anticipated fiscal year projected revenue. She also reviewed Tourism Related Capital Project to include the St. Augustine Amphitheatre annual bond payment up to \$260,000 and all or part of the St. Johns County Convention Center annual bond payment. She said that Special Events had also been included in that category, including Nights of Lights, Firework Displays and the Players Gold Tournament and it also included the Operation of the Official Visitor Information Centers. She stated that any tax revenue generated from the 3rd cent remaining after expenditures for specific purposes and project would be distributed among the Destination Marketing category at 40%, Arts & Culture at 30% and Leisure & Recreation at 30%. She reported that earned interest would be retained within each category and the previous year's category use appropriations or any actual residual funds would remain within the use category for its stated purpose. She noted that all plans were subject to the availability of funding. She said the plan could be amended and should be reviewed by the TDC from time to time and recommendations could be made to the Board for approval. She said that Item No. 2 included the use of tax revenues for debt services. She added that Section 125.0104 authorized the Board to amend the Plan. Substantial amendments required an affirmative vote of the majority plus one additional member of the Board.

(9:56 a.m.) Bryan thanked all the staff who had been involved and said it had been a long road to provide more structure, transparency and accountability of Tourist Development Funds. He said they should be proud of the work they had done to promote tourism and events funding for the residents of St. Johns County.

(9:58 a.m.) Stevenson expressed concern about the third cent; that they might not be considering things that involved destination management. She said there was lack of

ability to retain reserves in the event there was a project desired by the overall tourism industry, and such things as signage to add navigation to the community which might not be embraced by segments of the community. She said as revenues increased, there might be important elements that no one else would fund. She said she would like to see it workshopped with the PGAV Destination Plan. Sanchez said the TDC would bring any suggested changes to the Board. He said it had been workshopped to death, and this was the TDC recommendation. He said he would like to see it implemented and make any needed changes later. Discussion ensued.

(10:06 a.m.) Stevenson said they had done a significant study and she felt it was appropriate to have a workshop prior to doing it. She said she would prefer to measure twice and cut once, and she could not support it as it stood that day.

(10:07 a.m.) The remainder of the Board members agreed that they should move forward with the item.

(10:08 a.m.) John Yani, 38 Lee Dr., St. Augustine Beach, member of the TDC, said there were two dissenting votes on the TDC Council, his and Joe Boles. He explained why he dissented. He said the 40-30-30 split was imposed by the voters who voted for the Ordinance in 1996, and they had been assured that the split would not be violated. He said the Commission was so close to getting it right, and moving forward, just to get it done that day, would be a serious mistake. He said the chart they had seen was somewhat misleading and the ordinance as he read it did not accomplish what they had said it would. He said passage of it that day would only cause future dissent in the community.

(10:12 a.m.) Sanchez said the changes they were making had to be made, and the fourth cent was so restrictive that it had to be changed. Yani responded that all they needed to do was to flip flop the third and fourth penny uses. Sanchez responded that was what they were doing. He explained why they made that decision.

(10:13 a.m.) **Motion by Bryan, seconded by Mays, carried 4/1 with Stevenson dissenting, to approve Ordinance No. 2010-12, which repeals Ordinance No. 92-32, and any previously enacted, inconsistent provisions.**

ORDINANCE NO. 2010-12

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, REPEALING ST. JOHNS COUNTY ORDINANCE 92-32, WHICH PROVIDES THAT THE 40-30-30 SPENDING CATEGORIES ESTABLISHED BY THE COUNTY'S ORIGINAL TOURIST DEVELOPMENT PLAN CAN NOT BE CHANGED WITHOUT A REFERENDUM ELECTION THAT APPROVES THE CHANGE; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO ST. JOHNS COUNTY ORDINANCE NUMBERS 86-72, (AS PREVIOUSLY AMENDED) AND 91-44, (AS PREVIOUSLY AMENDED); PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

(04/06/10 - 11 - 10:14 a.m.)

2. PUBLIC HEARING - PROPOSED ORDINANCE TO AMEND AND CHANGE THE COUNTY'S EXISTING TOURIST DEVELOPMENT PLAN. ON SEPTEMBER 16, 1986, THE BOARD ENACTED ORD. NO. 86-72, WHICH LEVIED, IMPOSED AND SET A TOURIST DEVELOPMENT TAX OF 2%. THE ORDINANCE ALSO ESTABLISHED THE COUNTY'S ORIGINAL TOURIST DEVELOPMENT PLAN ("PLAN"), WHICH FROM TIME TO TIME HAS BEEN AMENDED AND CHANGED. ON NOVEMBER 12, 1991, THE BOARD PASSED ORD. NO. 91-44, WHICH LEVIED AND IMPOSED AN ADDITIONAL 1% TOURIST DEVELOPMENT TAX, FOR A TOTAL CUMULATIVE RATE OF 3%. ON DECEMBER 17, 2009 THE BOARD PASSED ORD. NO. 09-62, WHICH LEVIED AN ADDITIONAL 1% TOURIST DEVELOPMENT TAX, FOR A TOTAL CUMULATIVE RATE OF 4%. ON MARCH 15, 2010, THE TOURIST DEVELOPMENT COUNCIL ("TDC") REVIEWED THE EXISTING PLAN, PARTICULARLY THE USE CATEGORIES, TAX REVENUE ALLOCATIONS AND EXPENDITURES. BASED UPON ITS REVIEW, AND IN AN EFFORT TO FURTHER ADVANCE AND PROMOTE TOURISM IN ST. JOHNS COUNTY, THE TDC RECOMMENDED AMENDING AND CHANGING THE EXISTING PLAN TO: INCLUDE A PURPOSE STATEMENT; INCLUDE NARRATIVE DESCRIPTIONS OF THE SPENDING CATEGORIES; INCLUDE AN ADDITIONAL SPENDING CATEGORY; REALLOCATE REVENUES DERIVED FROM THE THIRD CENT; ALLOCATE REVENUES DERIVED FROM THE FOURTH CENT; PROVIDE FOR THE DISTRIBUTION OF REMAINING FUNDS GENERATED BY THE THIRD CENT; PROVIDE FOR THE RETENTION OF FUNDS IN EACH SPENDING CATEGORY; PROVIDE THAT THE EXPENDITURE OF FUNDS IS SUBJECT TO AVAILABILITY; PROVIDE FOR REVIEW OF THE PLAN; AND PROVIDE FOR AMENDMENT OF THE PLAN. SECTION 125.0104(4)(D) OF THE FLORIDA STATUTES PROVIDES FOR AMENDMENT AND CHANGE TO THE PLAN BY AN AFFIRMATIVE VOTE OF A MAJORITY PLUS ONE ADDITIONAL MEMBER OF THE BOARD. IN SUM, THE PROPOSED ORDINANCE PROVIDES FOR AMENDING AND CHANGING THE EXISTING PLAN; PROVIDES FOR THE TDC'S ANNUAL PRESENTATION TO THE BOARD OF A PROPOSED TOURIST DEVELOPMENT TAX REVENUE BUDGET; PROVIDES FOR THE USE OF TAX REVENUES FOR ANNUAL BOND PAYMENTS; AND REPEALS ANY PREVIOUSLY ENACTED, INCONSISTENT PROVISIONS.

Proof of publication of the notice of public hearing regarding the Ordinance to adopt the revised Tourist Development Plan was received, having been published in *The St. Augustine Record* on March 25, 2010.

(10:14 a.m.) Motion by Mays, seconded by Bryan, carried 4/1 with Stevenson dissenting, to approve Ordinance No. 2010-13, which amends and changes the County's existing Tourist Development Plan; provides for the TDC's annual presentation of a proposed tourist development tax revenue budget; provides for the use of tax revenues for annual bond payments; and repeals any previously enacted inconsistent provisions.

ORDINANCE NO. 2010-13

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA,
AMENDING ST. JOHNS COUNTY ORDINANCE
NUMBER 86-72, AS PREVIOUSLY AMENDED;
PROVIDING FOR FINDINGS OF FACT; AMENDING
AND CHANGING THE TOURIST DEVELOPMENT

PLAN TO INCLUDE AMONG OTHER THINGS A PURPOSE STATEMENT, NARRATIVE DESCRIPTIONS OF GENERAL SPENDING CATEGORIES, AN ADDITIONAL SPENDING CATEGORY, REALLOCATION OF REVENUE GAINED FROM THE THIRD CENT OF TOURIST DEVELOPMENT TAXES, AND ALLOCATION OF REVENUE GAINED FROM THE FOURTH CENT OF TOURIST DEVELOPMENT TAXES; PROVIDING FOR AN ANNUAL TOURIST DEVELOPMENT TAX REVENUE BUDGET; PROVIDING FOR USE OF TAX REVENUES FOR ANNUAL BOND PAYMENTS; PROVIDING FOR NOTICE TO THE DEPARTMENT OF REVENUE; PROVIDING FOR STATUTORY VOTING REQUIREMENTS; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

(04/06/10 - 12 - 10:16 a.m.)

3. PRESENTATION CONCERNING SEINE FISHING ON ST. JOHNS COUNTY BEACHES

Jan Brewer, Environmental Division Director, gave the presentation (*Exhibit A*). She reviewed the State Preemption of Power to Regulate, and said it resided with the Florida Fish and Wildlife Conservation Commission by Florida Statute Chapter 68-1.005. She added that it did not prohibit a local government from prohibiting, for reasons of protecting the public health, safety, or welfare, saltwater fishing from real property owned by that local government. She reviewed Chapter 68B-4 Florida Administrative Code regulating the use of seines. She reviewed the St. Johns County Beach Code and said it was related to driving on the beach. Sanchez said the Sheriff's office had the authority to enforce regulations on the beach, but they had no further authority. Discussion ensued

The Board recessed at 10:24 a.m. and resumed at 10:40 a.m.

Sanchez said they would move to Item 6. *See page 14.*

(04/06/10 - 12 - 10:50 a.m.)

4. REPORT BY PUBLIC FINANCIAL MANAGEMENT, INC. ON THE PHASE II ANALYSIS OF THE ANASTASIA MOSQUITO CONTROL DISTRICT.

Darrell Locklear reported that Public Financial Management, Inc. (PFM), at the direction of the Board, had gone into Phase II of their analysis of the Anastasia Mosquito Control District (AMCD). He introduced Jay Glover of PFM.

(10:50 a.m.) Jay Glover, PFM, said they had been commissioned to do a study of the AMCD. He reviewed the background and the four options for how mosquito control services could be delivered, reported during Phase I. 1.) Maintain the existing structure; 2.) Reduce service levels to those provided in comparable counties; 3.) Convert the District to a dependent Mosquito Control District with dedicated millage and implement shared services; and 4.) Consolidate mosquito control functions within existing County Departments. He stated that Phase II was designed to quantify some of the potential cost savings. Dave Hoskins, PFM, reviewed the findings of the Phase II Overview (*Exhibit A*) : 1.) Non-pest control services - Annual Savings of \$13,435; 2.) Shared cost efficiencies - Annual Savings of \$197,098; and 3.) Mosquito Control

Operations Managed by St. Johns County - Annual Savings of \$383,251. He reviewed other advantages of the County controlling the mosquito control operations. He summarized saying the County could absorb all the functions of the AMCD without hiring further staff and by eliminating some of the AMCD staff who perform redundant functions. He said the savings would represent approximately 12% of the District's 2009-10 budget less one time capital outlays.

(11:03 a.m.) Bryan asked them to review the healthcare benefits. Hoskins said the level of benefits was not provided, but the cost would be less because, on average, their health insurance, alone, actually was less expensive on a per employee per month basis, but it was offset by their health savings account contributions.

(11:04 a.m.) Stevenson said she was delighted in the savings they had found, and reviewed some of the areas of savings. She added that it was incumbent upon them to provide services most cost effectively. She thanked Mays for bringing up the issue. She asked if there had been any response to the report. Locklear responded that the report had been provided to them a little over a week ago, and they had received a letter that morning in response (*Exhibit B*). Sanchez said the item had been set for no action, and he felt they should leave further action in the hands of the Administrator. Discussion ensued.

(11:09 a.m.) Wanchick thanked PFM for an objective analysis. He said their only goal was to get to the facts, that it was an operational analysis, and did not take into consideration the construction of a new building. He said he had talked with the County attorney and they saw three alternatives: 1.) Accept report with no action. 2.) Remand it back to Mosquito Control and he would meet with them. 3.) Request the Florida Legislature to take the necessary action to bring it back into County government. He said he thought the Board was asking him to meet with the AMC Board. He suggested they meet in 30-60 days and report back to the Commission.

(11:11 a.m.) Bryan said he did not want the AMCD Board to think they were trying to inadvertently take over their board. He said they had a fiduciary responsibility to work together for cost efficiencies.

(11:12 a.m.) Mays said they were trying to operate in a way that was the most efficient for the residents of St. Johns County.

(11:12 a.m.) McCormack stated that the Board had authority to do the review because it could potentially be a County function, and it was the underpinning basis for the review.

(11:13 a.m.) Sanchez thanked the gentlemen from PFM for their presentation, and summarized that the BCC was asking for them to allow the Administrator to meet with the AMCD Board and report in 30-60 days regarding the response.

(11:14 a.m.) Jeanne Moeller, 224 Wildwood Dr., Lot 79, Chairman of the Anastasia Mosquito Control Board, said AMCD's greatest goal was to provide service for the public. She said there were unsubstantiated materials in the report, and the AMCD Board did dispute the report, which was a deeply flawed analysis. She said they would be happy to meet with the Administrator. She said the AMCD had an unparalleled level of achievement. She submitted a letter to the Board, which each Commissioner had received that morning (*Exhibit B*).

(11:17 a.m.) Vivian Browning, 30 Beachcomber Way, Vilano Beach, said she was a AMCD Commissioner also, and was speaking as a tax payer and as a person who had

been active in County affairs over the last 10 or 12 years. She expressed her concern that this was all about process and about assets, and was not about purpose. She said at AMCD, they thought about public health, having a working lab, getting rid of the nuisance mosquitoes, testing for disease, and making sure there were no communicable diseases. She said they were about purpose. She said special districts were formed for public health by the citizens and voted on by the local citizens. She said that none of the existing 15 special districts in Florida had ever been changed over to be run under the county. She said what they were possibly proposing was highly unusual. She gave a brief history of the AMCD and told of their plans to build a facility to be a countywide provider. She said their purpose was organized, they were ready to move forward, and they needed to be allowed to do that. She said they were not in debt and they were not asking for help. She said the process and the assets were getting in the way of purpose. She said they would welcome talks with the County. She said they felt like it was being put through without any input from them. She asked that the Board allow the AMCD to protect the citizens as they had done since 1949. Discussion ensued regarding the most efficient use of tax payer's money and the best way to provide services to the citizens of St. Johns County.

(11:27 a.m.) Ed Slavin, P. O. Box 3084, St. Augustine, spoke on getting the job done and asked the Board, through the Administrator, to inquire of the Road and Bridge Department about the difficulties they had with the removal of standing water on County property, ditches, and rights-of-way, which were breeding grounds for mosquitoes. He suggested that as to PFM, they were only qualified to give advice on bonding, and they did not have expertise on mosquito control. He asked that Commissioner Moeller's letter be included in the record. He suggested that politics were involved with the decision. Sanchez said that was totally incorrect. He said the public had asked for the study. Discussion ensued.

(04/06/10 - 14 - 11:33 a.m.)

5. CONSIDER AN IMPACT FEE REFUND REQUEST PERTAINING TO THE DURBIN CROSSING COMMUNITY DEVELOPMENT DISTRICT.

Item 5 was pulled until the first available meeting in May.

This item was heard prior to Item No. 4.

(04/06/10 - 14 - 10:40 a.m.)

6. UPDATE ON THE STATUS OF THE TURNBULL CREEK REGIONAL OFFSITE MITIGATION AREA.

Tony Cubbedge, Land Resource Manager, gave an overhead presentation on the Turnbull Regional Offsite Mitigation Area (ROMA). He said the project was designed to provide needed wetland mitigation for County projects in Basin 5 in the north central portion of the County. He reviewed the drainage management patterns. He reviewed the provisions of the Turnbull ROMA to the County. He said the project was green in the truest sense both ecologically and financially. He said it was worth \$25 million in mitigation credits. He introduced Rich Turnbull, no relation to the Turnbull Creek family.

(10:45 a.m.) Stevenson complimented Rich Turnbull, and explained that they had to restore wetlands rather than just buying wetlands. She said they were fortunate that Turnbull had done a restoration that really worked. She said he had done a wonderful job, and his hard work was a great gift for the people of St. Johns County. She also complimented Tony Cubbedge for his fine work on the project.

(10:47 a.m.) Rich Turnbull spoke on the Turnbull Creek mitigation area. He commended staff and the Board for having the foresight and vision to invest money and get the leverage for the future of the County. He said they had commissioned Lyn Asselta, to paint "Genesis at Turnbull Creek", a beautiful watercolor. He said an artist's proof was there for the Commission and they had also prepared three prints for staff offices, including Tony Cubbedge, Joe Stephenson and Mary Ann Blount, who were involved in the entire process. He was given a standing ovation for his services.

(04/06/10 - 15 - 11:34 a.m.)

District 2

7. PUBLIC HEARING - REZONING 2009-19 SAFE TARP. THIS IS A REQUEST TO REZONE FROM COMMERCIAL INTENSIVE (CI) AND COMMERCIAL HIGHWAY & TOURIST (CHT) TO COMMERCIAL WAREHOUSE (CW). SUBJECT PROPERTY IS APPROXIMATELY 5.19 ACRES IN SIZE AND IS GENERALLY LOCATED ON THE NORTH SIDE OF SR 16 EAST OF I-95, ½ MILE EAST OF INMAN ROAD. PROPERTY IS IN DISTRICT 2. THE PLANNING DIVISION FINDS THE REQUEST TO REZONE TO CW MEETS THE REQUIREMENTS OF THE COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT CODE. THIS FINDING IS BASED UPON THE FOLLOWING INFORMATION: THE APPLICATION MATERIALS AS SUBMITTED BY THE APPLICANT, EXISTING USE OF PROPERTY, ADJACENT PROPERTIES ZONED CI AND COMMERCIAL HIGHWAY TOURIST (CHT), PROXIMITY TO SR 16 AND OTHER RELEVANT INFORMATION AVAILABLE TO STAFF. THIS FINDING MAY BE SUBJECT TO OTHER COMPETENT SUBSTANTIAL EVIDENCE RECEIVED AT THE QUASI-JUDICIAL PUBLIC HEARING. THE PZA RECOMMENDED APPROVAL OF THIS REQUEST AT THE MARCH 18TH MEETING BY A VOTE OF 6-0.

Proof of publication of the notice of public hearing regarding Rezoning 2009-19, Safe Tarp, was received, having been published in *The St. Augustine Record* on March 10, 2010.

Michael Roberson, Planner I, Growth Management, gave an overhead presentation, which explained the request for a rezoning from Commercial Intensive (CI) and Commercial Highway & Tourist (CHT) to Commercial Warehouse (CW). He said the proposed business was for shrink wrapping of large vehicles for protection during transport. He noted that the Planning Division found that the request substantially met the requirements of the Comprehensive Plan and the Land Development Code. He noted the PZS recommended approval by a vote of 6/0.

(11:37 a.m.) Bryan asked if it was a start up business.

(11:37 a.m.) Karen Taylor, 77 Saragossa St., stated that it was an existing business that was moving from Green Cove Springs.

There was no public comment or ex parte communication.

(11:38 a.m.) **Motion by Stevenson, seconded by Bryan, carried 5/0, to enact Ordinance 2010-14, known as REZ 2009-19, adopting findings of fact one through four to support the motion.**

ORDINANCE NO. 2010-14

AN ORDINANCE OF THE COUNTY OF ST. JOHNS,
STATE OF FLORIDA, REZONING LANDS AS
DESCRIBED HEREINAFTER FROM THE PRESENT

ZONING CLASSIFICATIONS OF COMMERCIAL INTENSIVE (CI) AND COMMERCIAL HIGHWAY & TOURIST (CHT) TO COMMERCIAL WAREHOUSE (CW); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

This was previously Consent Item No. 11. (See page 5.)

(04/06/10 - 16 - 11:39 a.m.)

7A. APPROVING CONSENT & AGREEMENT FOR ST. AUGUSTINE LIGHTHOUSE

Stevenson explained that she did not get the Consent Agenda until the previous night and had some questions on that item. Wanchick stated that Mary Ann Blount had handled the item and asked her to respond.

(11:39 a.m.) Mary Ann Blount, Land Management Services Director, explained that the Junior Service League had entered into a lease with the County in 1982 to lease the property on Lighthouse Avenue. She stated that in 2000 the County had approved their mortgage, as was required by their lease. She said Kathy Flemming, Executive Director of the Lighthouse, had written a letter requesting a modification of that mortgage. She noted that per the terms of their lease, the County needed to approve and sign off on that. She introduced Kerry Ann Churmblo and Lee Capitano who were available to answer specific questions.

(11:41 a.m.) Stevenson said that the project in question, received initial approval October 17, 2006, and asked what action the Board had taken on that date. Blount said in 2006 was when the site plan was presented to the County for approval, but she would have to research it for further details. She asked if someone from the Lighthouse could give her specifics on what the project was.

(11:42 a.m.) Carrienne Churmblo, 81 Lighthouse Ave., said the \$425,000 would be used for the start up of the project that had already been approved. She said the loan was to fund architects and engineering fees, fund raising fees, cultivation events, printing of campaign materials and to add a campaign secretary and campaign director for a period of one year. Stevenson asked about financial statements not being with the proposal. Churmblo said the reason it was not attached, was that it had not been finalized by their Board, but she provided them with a draft copy. Stevenson said they had done such great things there, but explained her concern; that various agencies would start projects that were supposed to be self funding and then were not. She said the County was struggling with the budget and she didn't want anyone to think that the County would be there in case something failed, because it just would not be possible. She said she would not like to see the Lighthouse be owned by someone else. She said she just wanted to be sure they were squared on it. She added that she had the greatest respect for the work they had done, and the County wouldn't have the Lighthouse if it hadn't been for their efforts. She asked if they were offering additional security about the \$530,000 mortgage. Churmblo said the original mortgage was \$530,750 as of January 2000, and the new balance was \$270,000 dollars. She said they had also grown the endowment to almost \$500,000, and they had paid \$762,000 in the past ten years. She said the loan amount they were requesting, in addition to the existing new balance, was \$695,000. Stevenson said they had made tremendous progress on the loan from 2000, had saved \$500,000, they were beginning a capital campaign, and had the blessing of the City on the access. She thanked her for the update.

(11:48 a.m.) **Motion by Stevenson, seconded by Mays, carried 5/0, to approve Res. No. 2010-87, approving the terms of a Consent and Agreement to Future Advance and Modification of Mortgage of Leasehold Interest for the St. Augustine Lighthouse and Museum and authorizing the County Administrator, or designee, to execute the Consent and Agreement on behalf of the County.**

RESOLUTION NO. 2010-87

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS OF A CONSENT AND AGREEMENT TO FUTURE ADVANCE AND MODIFICATION OF MORTGAGE OF LEASEHOLD INTEREST FOR THE SAINT AUGUSTINE LIGHTHOUSE AND MUSEUM AND AUTHORIZING THE COUNTY ADMINISTRATOR , OR DESIGNEE, TO EXECUTE THE CONSENT ON BEHALF OF THE COUNTY

(04/06/10 - 17 - 11:49 a.m.)

7B. COUNTY ADMINISTRATOR'S CONTRACT

Mays said the item he had brought forth was for the County Administrator's contract. He noted that there was a strong likelihood that he would not be running for his seat again. He said the Board had worked for cost effective management, efficiency, professionalism and businesslike decision making. He added that he had nothing to do with Wanchick's appointment. He noted that a lot had happened since 2007 and the achievements that had been made were incredible, with credit due to Stevenson and Sanchez and the rest of the Board, which had been present since he had arrived. He said under Wanchick's leadership they had done an amazing job with the restructuring, reducing taxes during an economic crisis, maintaining essential services and the quality of life, and preserving the necessary workforce. He noted Wanchick had made prudent business decisions and provided outstanding leadership. He said it was the most functional administrative group with which he had ever been involved. He said the County government was run exceeding well, and was extremely efficient. He stated that Wanchick's buyout was only one year, and he proposed that they add at least another year to his buyout, or termination clause, in order to provide stability to the County. He said Wanchick was a valuable employee, and they wanted to let him know that he was important to them.

(11:54 a.m.) Sanchez said he had no problem with that, and he was very satisfied and very impressed with Wanchick's performance. He said the public was very impressed as well. He said he would totally support May's proposal and maybe even make it a three year cancellation clause. Bryan said he agreed completely. He said it was difficult and expensive to fill positions. He said it was important to keep the stability, and he would support the recommendation. Quinn said when he came to the Commission he had 42 years of government and military experience, and Wanchick would measure up to any leader he had worked with in those 42 years. He said he was needed in St. Johns County, and he had proved his worth. He said he would strongly support the proposal. Stevenson said she had great respect for Wanchick, and the Board, but would like to have the luxury of reading the contract before they changed it. Bryan said the only thing that would change would be the months.

(12:00 p.m.) **Motion by Mays, seconded by Sanchez, to revise and amend that certain document known as the Professional Services Agreement between Michael D. Wanchick and St. Johns County, Florida, originally dated on or about the third day of**

November, 2009, revising Section 2, Sub A, to read "If County Administrator is terminated by the Board for reasons other than cause, as defined under the laws of the State of Florida, the County agrees to provide County Administrator a monetary lump settlement as liquidated damages equal to 36 months salary at the then current rate of pay, plus payment for accrued, but unused vacation, sick leave, and continuation of the County Administrator's individual health and insurance plan at a County expense of 36 months."

Stevenson said she could not support the motion, based on the need for some basic process. She noted it was a \$400,000 commitment, and she would like to review the conditions of the contract. She emphasized that she held Wanchick in high esteem and it had nothing to do with his performance.

(12:03 p.m.) **Motion carried 4/1, with Stevenson dissenting.**

(12:03 p.m.) Wanchick said it was rare for him to be speechless, and he was close to that. He thanked the Commission and said he understood Stevenson's concerns. He said it was important to have stability in the County government, and he looked at that as an extension of his staff. He said if he was stable, his staff would be stable and would create an environment for the community to thrive. He added that their action was to extend his severance, was not a golden parachute, and was only if he was terminated without cause. He said he wanted the public to have the trust in him that the Board had in him. He thanked them for that trust and stated that he did not take it for granted.

(12:06 a.m.) Sanchez asked the County Attorney to draw up the new contract and he would sign it.

The meeting recessed at 12:06 p.m.

The meeting resumed at 5:03 p.m. with Deputy Clerk Robin Platt in attendance. Commissioner Mays was not in attendance.

(04/06/10 - 18 - 5:03 pm)

8. PUBLIC HEARING - LAND DEVELOPMENT CODE AMENDMENTS FOR ARTICLE XI. STAFF IS REQUESTING DIRECTION FROM THE BOARD REGARDING A CHANGE TO THE ADMINISTRATIVE PROCEDURE THAT INVOLVES THE RESERVATION OF CONCURRENCY TRIPS AND THE RELEASE OF A CERTAIN PERCENTAGE OF TRIPS. CONCURRENTLY, STAFF IS BRINGING FORWARD MODIFICATIONS TO THE LAND DEVELOPMENT CODE FOR THE BOARD'S CONSIDERATION. THIS IS THE FIRST OF TWO REQUIRED PUBLIC HEARINGS TO CONSIDER MODIFICATIONS TO ARTICLE XI OF THE LAND DEVELOPMENT CODE. THE PZA IS SCHEDULED TO HEAR THIS ITEM AT THEIR REGULAR MEETING OF APRIL 15, 2010 AND THE BOARD IS TO CONSIDER FINAL ADOPTION ON MAY 18, 2010.

Proof of publication of the notice of public hearing regarding Land Development Code amendments for Article XI was received, having been published in *The St. Augustine Record* on March 27, 2010.

Suzanne Konchan, Growth Management Department, presented the details of the proposed transportation concurrency system amendments to the Land Development Code (LDC). She explained the concurrency process and addressed "ghost" or reserved trips that were part of approved projects that had not yet been constructed, the duration of concurrency approvals, and the formalization of school concurrency. She presented

the recommended modifications for improving the process, via PowerPoint (Exhibit A). Konchan spoke on the effects of releasing the “ghost” trips. Additionally, she responded to questions regarding the CR 210 and I-95 interchange and regional traffic.

(5:15 pm) Locklear addressed traffic tracking on I-95 and its interchanges, and pass-through traffic from outside the county, stating that the proposed modifications would continue to address those external trips through annual traffic counts.

(5:16 pm) Konchan continued her presentation by reviewing additional changes to the LDC, including: limiting concurrency reservations to a maximum of five years for all phases, reducing the back-log of “ghost” trips over time; not requiring concurrency until the construction permitting phase; allowing incremental prepayment of impact fees to extend concurrency for up to three years; and the school concurrency component. She announced the future public hearing dates: April 15, 2010 for the Planning & Zoning Agency and May 18, 2010 for the Board of County Commissioners.

(5:22 pm) Sanchez thanked everyone for their hard work on the project.

(5:25 pm) Ellen Avery-Smith, 7 Waldo St., representing the St. Johns County Economic Development Council (EDC), commended the Board and staff for working with the business community on the proposed changes.

(5:27 pm) Wanchick commented on working with the EDC on currency issues.

(04/06/10 - 19 - 5: 29 pm)

9. PUBLIC HEARING - LAND DEVELOPMENT CODE AMENDMENTS. THIS IS THE FIRST OF TWO REQUIRED PUBLIC HEARINGS TO CONSIDER MODIFICATIONS TO THE LAND DEVELOPMENT CODE. THIS ORDINANCE PROPOSES TO: 1) PART 5.07.00 AFFORDABLE HOUSING DENSITY BONUS AS RECOMMENDED BY THE AFFORDABLE HOUSING ADVISORY COMMITTEE: UPDATES THE TITLE BY REFERENCE TO WORKFORCE/AFFORDABLE HOUSING THROUGHOUT; SIMPLIFIES INCOME QUALIFICATIONS; AS AN INCENTIVE, ROUNDS THE REQUIRED UNIT COUNT UP RATHER THAN DOWN; AND OTHER MINOR CHANGES TO REFLECT CURRENT CONDITIONS AND TYPOGRAPHICAL ERRORS. 2) SECTION 6.04.07 IS MODIFIED TO ADD A PARAGRAPH ADDRESSING MINIMUM STANDARDS FOR BRIDGES AND BOX CULVERTS AND REMOVES LANGUAGE REFERENCING VARIOUS FDOT DOCUMENTS.

Proof of publication of the notice of public hearing regarding Land Development Code amendments was received, having been published in *The St. Augustine Record* on March 27, 2010.

Betty Sue Stepp, Project Liaison, presented the details of this item via PowerPoint (Exhibit A), outlining the recommended changes of the Affordable Housing Advisory Committee, including: modifying the title to workforce/affordable housing; simplifying income calculations; increasing density fractionally by rounding up, instead of down; and providing flexibility for the distribution of units within a multi-phased development. She also addressed an added paragraph, meant to provide design guidance for the construction of bridges and box culverts.

Stepp announced the future public hearing dates: April 15, 2010 for the Planning & Zoning Agency and May 18, 2010 for the Board of County Commissioners.

(5:34 pm) Bryan questioned if the price threshold for affordable/workforce housing had changed due to the current economy. Tom Crawford, Housing and Community Services, explained that a home price threshold was calculated based on an individual's or a family's income, not a set figure. Discussion ensued on mortgages.

(5:40 pm) In response to some public comments about standing water within the county earlier in the day, Sanchez stated that the Federal Clean Water Act required some water to sit before flowing into a river.

Sanchez called for a recess at 5:42 pm. The meeting resumed at 5:47 pm.

(04/06/10 - 20 - 5:47 pm)
COMMISSIONERS' REPORTS

Commissioner Stevenson:

Stevenson gave an update on some pending legislation, including: the TaBoR Act; the .com issue affecting tourism taxes; proposed changes to the Florida Retirement System, that would affect County employees; the Single-action Rule to reduce foreclosures on commercial properties; and the Local Savings Act.

Stevenson said she was concerned about the Board delegating decisions and the overhead and administrative costs on some TDC proposals she had seen.

(5:54 pm)

Commissioner Bryan:

Bryan commented on the County's Census participation (currently at 67%). He said that he and Commissioner Stevenson attended Legislative Day in Tallahassee, where they addressed unfunded mandates by the State. He and Stevenson also attended the Northeast Florida Regional Council meeting that week.

Bryan reported that the NAPA parts contract was in place in Fleet Maintenance, which would result in a large cost savings to the County; that he went to Mickler Road to look at the fence at Lost Beach; and that he went before the City Commission to express the County's concerns about the mooring fields.

Bryan said that he was disappointed that the Mosquito Control report was not received in a positive way by Mosquito Control.

Bryan warned against believing election year promises being made by candidates.

(6:00 pm)

Commissioner Quinn:

Quinn reported that he attended the Drug Court graduation on March 24, and that he was very moved by the experience.

(6:01 pm) Stevenson questioned when the Board would be addressing jail capacity; Wanchick responded that a date had not been set.

(6:01 pm)

Commissioner Sanchez:

Sanchez reminded everyone that the Hastings Potato and Cabbage Festival was set for May 8 in Hastings.

He read a letter from Mrs. Brenda Parker, widow of Ron Parker, thanking the Board for its resolution in support of extending the time between parole interview dates from five to seven years.

Sanchez commented on an article in the paper [*The St. Augustine Record*] which spoke of "a crumbling government." He assured the residents of the county that the county's government was very stable, despite the current economic environment.

(04/06/10 - 21 - 6:05 pm)

COUNTY ADMINISTRATOR'S REPORT

Locklear reported that the County had been awarded an Energy Efficiency and Conservation Block Grant by the Florida Energy Climate Commission in the amount of \$437,000. The grant would be used for engineering purposes and for workshops promoting energy efficiency. Further, he stated that stimulus funds were received for some additional work on King Street. Discussion followed on PACE bonds, and grants that do not require matching funds.

(6:10 pm) Wanchick commented on the Team Teal event with the Jacksonville Jaguars, to be held at the World Golf Village on April 27.

He reported that 135 new single-family home permits were issued last month, which was more than double from previous months. He also spoke on the expected cost savings from the NAPA contract.

Wanchick mentioned that the Board had previously allocated up to \$40,000 for Census related activities, and so far only \$28,000 had been used. He requested to use a few thousand dollars of those funds to cover the costs of neighborhood block parties, as a thank you to the community. *The Commission agreed to the expenditure.*

Wanchick spoke to the importance of the items that were addressed on that day's agenda; discussion followed.

(04/06/10 - 21 -6:15 pm)

COUNTY ATTORNEY'S REPORT

McCormack commented on the quality of the TDC's presentation, stating that it was well done.

(04/06/10 - 21 - 6:16 pm)

CLERK OF COURT'S REPORT

No report.

With there being no further business to come before the Board, the Chairman adjourned the meeting 6:16 pm.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check Number 454273 through 454588, totaling \$1,176,858.86 (03/23/10)
2. St. Johns County Board of County Commissioners Voucher Register, Voucher Number 1769 through 1830, totaling \$1,306,076.37 (03/23/10)
3. St. Johns County Board of County Commissioners Check Register, Check Number 454589 through 454600, totaling \$198,527.18 (03/24/10)
4. St. Johns County Board of County Commissioners Check Register, Check Number 454601 through 454632, totaling \$62,310.76 (03/26/10)

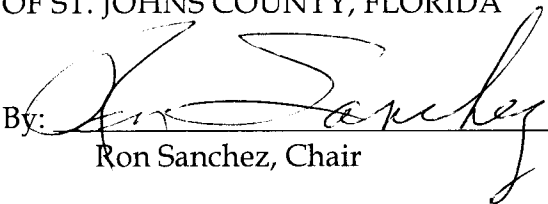
5. St. Johns County Board of County Commissioners Check Register, Check Number 454633 through 455002, totaling \$1,180,849.55 (03/29/10)
6. St. Johns County Board of County Commissioners Voucher Register, Voucher Number 1831 through 1954, totaling \$1,154,974.91 (03/29/10)
7. St. Johns County Board of County Commissioners Check Register, Check Number 455003, totaling \$100 (03/29/10)

CORRESPONDENCE:

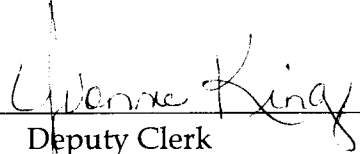
1. Letter dated March 15, 2010, to Liz Cloud, Program Administrator, Department of State, correcting Ordinance No. 2009-54 with a certified copy of the entire document with the correct Exhibit A.
2. Letter dated March 17, 2010, to Liz Cloud, Program Administrator, Department of State, correcting Ordinance No. 2009-51 with a certified copy of the entire document with the correct Exhibit A.

Approved April 20, 2010

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 
Ron Sanchez, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: 
Deputy Clerk

